

ORDINANCE NO. CO31.16.02.25.C1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CEDAR PARK CODE OF ORDINANCES, CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.03 FLOODPLAIN MANAGEMENT REGULATIONS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, The legislature of the state has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, the Cedar Park Code of Ordinances, Article 3.03 Floodplain Management Regulations, currently regulates flood hazard areas within the City's jurisdiction to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions; and

WHEREAS, as a participating community in the National Flood Insurance Program (NFIP) the proposed amendments would update language to be consistent with current Federal Emergency Management Agency (FEMA) guidance; and

WHEREAS, the proposed amendments were recommended by FEMA after a periodic review of the City's floodplain ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the Cedar Park Code of Ordinances, Article 3.03 Floodplain Management Regulations, is hereby amended as provided in the attached Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

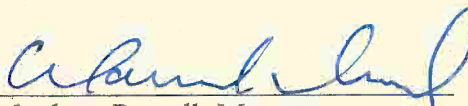
SECTION 5. This ordinance shall be and remain in full force and effect from and after the date of approval.


READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 11<sup>th</sup> day of February, 2016, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 25<sup>th</sup> day of February, 2016, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

  
Matthew Powell, Mayor

  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

  
J.P. LeCompte, City Attorney



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## EXHIBIT A

### ARTICLE 3.03 FLOODPLAIN MANAGEMENT REGULATIONS

#### Sec. 3.03.001 Statutory authorization

The legislature of the state has in the Flood Control Insurance Act, [Texas Water Code, Section 16.315, as amended](#), delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of Cedar Park of Travis and Williamson County, Texas does ordain as follows.

#### Sec. 3.03.005 Definitions

*Mean sea level.* For purposes of the National Flood Insurance Program, the National ~~Geodetic~~ [American](#) Vertical Datum (~~NGVDNAVD~~) of ~~1929-1988~~ or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*Water surface elevation.* The height, in relation to the National ~~Geodetic~~-[American](#) Vertical Datum (~~NGVDNAVD~~) of ~~1929-1988~~ (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### Sec. 3.03.006 General provisions

(a) Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of the city.

(b) Basis for establishing the areas of special flood hazard. ~~The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Williamson County, Texas, and Incorporated Areas dated September 6, 2008, with accompanying Flood Insurance Rate Maps (FIRMs) dated September 6, 2008", as amended, and "The Flood Insurance Study (FIS) for Travis County, Texas, and Incorporated Areas" dated January 6, 2016 with accompanying Flood Insurance Rate Maps (FIRMs) dated January 6, 2016", as amended, are hereby adopted by reference and declared to be a part of this ordinance. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Williamson County, Texas, and Incorporated Areas," dated September 28, 1990, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this article.~~

(c) Establishment of development permit. A development permit shall be required to ensure conformance with the provisions of this article.

(d) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(e) Abrogation and greater restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another existing easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation. In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(g) Warning and disclaimer of liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made thereunder.



#### **Sec. 3.03.007 Administration**

(a) The director of engineering is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program regulations) pertaining to floodplain management.

(b) Duties and responsibilities of the floodplain administrator. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies

(including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the ~~state water commission~~ Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. The Texas Commission on Environmental Quality (TCEQ) must also be notified.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with section 3.03.006 (b), the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of section 3.03.008.

(9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

(10) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by section 65.12.

#### **Sec. 3.03.008 Provisions for flood hazard reduction**

(a) General standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement



of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

(4) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in sections 3.03.006 (b), 3.03.007 (b)(8), and 3.03.008 (c)(4), the following provisions are required:

(1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that these standards as proposed in section 3.03.007 (c)(1)(A), are satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and method of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific

elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(A) A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall be no higher than one (1) foot above grade.

(C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exist of floodwaters.

(Ordinance CO59-08-09-25-C5 adopted 9/25/08)